

### **REMARKS**

Reconsideration of the non-final Office Action of December 23, 2008 is respectfully requested. Accompanying this Amendment is an Interview Request Form. Also, accompanying this response is a three-month Extension of Time with the requisite fee.

The non-final Office Action mailed on December 23, 2008 has been received and its contents carefully noted. From the Summary page, claims 1-14 were pending and indicated as rejected.

By this response, claims 1 and 6 have been amended and claims 15-20 are newly added. Claims 15 and 16, as dependent upon claims 1 and 6, respectively, describe the through-hole having a circular-arc shape in plan view. See Figure 3 and the associated disclosure. Claims 17 and 18, as dependent upon claims 3 and 8, respectively, recite that each of the through-holes passes completely through the head mounting frame in a vertical direction. See figure 4. Claims 19 and 20 describe the structural interrelationship between the non-inserted portions of the shower head main body adjacent a projection of the side wall relative to the head mounting frame. No new subject matter has been added. Support for all claim amendments and new claims can be found in the disclosure as originally filed.

Further, as seen in the accompanying Interview Request Form Applicant would like to schedule an Interview to discuss the above-mentioned claim amendments with Examiner Ford prior to an examination on the merits.

#### ***I. Claim Rejections under 35 USC § 102 (b)***

Claims 6, 11 and 14, stand rejected as being anticipated by Kuwada et al. (US 2002/0029748). The rejection as to claims 6, 11 and 14 is respectfully traversed. Applicant respectfully requests withdrawal and reconsideration in view of the arguments presented herein.

Claim 6, as amended, recites a processing apparatus with “the through-hole and the projection being configured such that the projection is insertable into the through-hole from a lower side of the head mounting frame”. Support for the above-mentioned claim amendments are found in Fig. 4 of the present invention and associated disclosure.

According to Fig. 4, at least one projection 96 extends into the through-hole 94 from a lower side of the head mounting frame 76 (e.g., see the plan view in Figure 3 of the at least one projection extending into the through-hole 94 and the cross-sectional view of Figure 2).

The Office Action (OA) asserts that in Kuwada, an upper end of the side wall 98 provides a projection 104 which can be inserted into a through-hole 74. See Fig. 2; para. [0052]. The OA also asserts that a unitary head mounting frame 108 is arranged at a ceiling portion of the vessel to support the showerhead.

Applicant urges that Kuwada's projection 104 of the showerhead 82 is not insertable into the through-hole 74 from the lower side of the head mounting frame 108 (i.e., the side that faces the interior of the processing vessel). To the contrary, projection 104 is configured as to be dropped down into the through-hole until projection flange 104 comes to rest on the underlying support structure. See Fig. 2. Because Kuwada's projection 104 is not designed to be inserted into the through-hole from a lower side of the head mounting frame, amended claim 6 patentably distinguishes thereover.

## **II. Claim Rejection under 35 USC § 103 (a)**

A. Claims 1, 5 and 13 stand rejected as being unpatentable over Kuwada et al. (US 2002/0029748). The rejection as to claims 1, 5 and 13 is respectfully traversed.

Claim has been amended to recite a processing apparatus with "the through-hole and the projection being configured such that the projection is insertable into the through-hole from a lower side of the head mounting frame" and "screw bolts each extending from the lower surface of the bottom wall of the shower head main body through the bottom wall of the shower head main body, and being in thread engagement with the head mounting frame".

The Office Action (OA) asserts that the rejection of claim 6, *supra*, substantially addresses those features of claim 1 with a recognition that the discussion is deficient relative to the featured screw bolts to secure the showerhead to the head mounting frame. The OA characterizes Fig. 10 of Kuwada as employing screw bolts, 5 and 13, that extend from the bottom

of the showerhead 11 through its body 7 and threadingly engages the head mounting frame 2a in order to demonstrate alternative connective techniques.

As an initial matter, Applicant asserts similar arguments as presented for claim 6, *supra*, regarding the feature “the through-hole and the projection being configured such that the projection is insertable into the through-hole from a lower side of the head mounting frame”. Thus, amended claim 6 patentably distinguishes thereover.

Additionally, Applicant contends that Kuwada’s alternative connecting technique fails to teach or suggest Applicant’s claimed invention where each screw bolt extends from the lower surface of the bottom wall of the shower head main body, through the bottom wall, and in thread engagement with the head mounding frame. Neither of the different bolt types in Figure 10, that are referenced in the Office Action, can be said to represent a bolt that extends in the fashion set out in claim 1. Therefore, Kuwada’s structure does not teach the specified structural features of each screw bolt. Thus, one having ordinary skill in the art would not have found Kuwada’s structure *prima facie* obvious in view of amended claim 1’s features of “screw bolts each extending from the lower surface of the bottom wall of the shower head main body through the bottom wall of the shower head main body, and being in thread engagement with the head mounting frame”. As such, amended claim 1 further patentably distinguishes thereover. Accordingly, Applicant courteously requests reconsideration and withdrawal of the rejection as to claim 1, and claims 5 and 13, dependent thereon.

**B.** Claims 2 and 7 stand rejected as being unpatentable over Kuwada in view of Hystros (US 2003/0132319). The rejection as to claims 2 and 7 is traversed.

Similarly, claims 2 and 7 advance the same arguments on the merits as provided for claims 1 and 6, above. Accordingly, Applicant respectfully solicits withdrawal and reconsideration of the rejection to claims 2 and 7.

**C.** Claims 3, 8-9 and 12 stand rejected as being unpatentable over Kuwada (US 2002/0029748) in view of Metzner et al (US 2002/0192370). The rejection as to claims 3 and 8 is respectfully traversed.

As to claims 3 and 8, it is respectfully submitted that the asserted combination is deficient. In the first instance the Examiner relies on the shower head receiving “drop down” through hole 74 in Kuwada et al. representing the “through-hole” and then attempts to modify the base reference in an effort to provide multiple through holes in place of the drop down through-hole. 74 in Kuwada. It is respectfully submitted that one of ordinary skill in the art would not have been motivated to alter the single drop down through-hole in the base reference to Kuwada et al. in the manner described in the Office Action (e.g., with reference to screw hole apertures totally unrelated to the drop down through hole 74 relied upon in the rejection).

In other words, claims 3 and 8 describe multiple projections and multiple receiving through-holes. The Examiner’s reference to bolts extending into bolt holes that only partially extend into the supporting body as representing through-holes is not understood from the stand point of how that can be said to be related to a drop-down hole in the mounting body designed to receive the dropped shower head.

Applicants have also added an explicit description of the through-holes in new claims 17 and 18 which cannot be said to be met by the screw bolt receptor apertures relied upon in.

Similarly, claims 3, 8-9 and 12 advance the same arguments on the merits as provided for claims 1 and 6, above. Accordingly, Applicant courteously solicits withdrawal and reconsideration of the rejection to claims 3, 8-9 and 12.

**D.** Claims 4 and 10 stand rejected as being unpatentable over Kuwada (US 2002/0029748) in view of Fujikawa (US 5,595,606). The rejection as to claims 4 and 10 is respectfully traversed.

Similarly, claims 4 and 10 advance the same arguments on the merits as provided for claims 1 and 6. Accordingly, Applicant earnestly solicits withdrawal and reconsideration of the rejection to claims 4 and 10.

**CONCLUSION**


Accordingly, it is respectfully submitted that the application stands in condition for allowance and favorable reconsideration is earnestly solicited.

If any fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account 02-4300; Order No. 033082R337.

Respectfully submitted,

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